

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION AT 7:00 PM ON AUGUST 10, 2016 IN BOARD ROOM, COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

**I. CALL TO ORDER:**

Mr. Miller, Chair, called the meeting to order.

**II. DETERMINATION OF A QUORUM:**

Mr. Allen established the presence of a quorum.

Present: Bob Miller, Chair  
Scott Kroll, Vice-Chair  
Coy Allen, Secretary  
Cindy Disney, Member  
Steve Howard, Member  
Bryan Katz, Member  
Bryan Rice, Member  
Chris Tuck, Board of Supervisors Liaison  
Emily Gibson, Planning Director  
Brea Hopkins, Development Planner

Absent: Trey Wolz, Member  
Dari Jenkins, Planning and Zoning Administrator

**III. APPROVAL OF AGENDA:**

On a motion by Mr. Howard, and seconded by Mr. Katz and unanimously carried, the agenda was approved.

**IV. APPROVAL OF CONSENT AGENDA:**

On a motion by Mr. Howard and seconded by Mr. Katz, and unanimously carried, the consent agenda was approved.

**V. PUBLIC HEARING: Z-2016-01**

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTIONS 10-21, 10-30, 10-31, 10-33, 10-34, 10-35, 10-41 AND 10-61, RESPECTIVELY BY DEFINING THE TERMS SOLAR ENERGY SYSTEM, MINOR; SOLAR ENERGY SYSTEM, MAJOR AND SOLAR ENERGY SYSTEM, ACCESSORY USE AND BY DESIGNATING SOLAR ENERGY SYSTEM, MINOR AS A PERMITTED USE IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL, PUD-COM PLANNED UNIT DEVELOPMENT COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICTS AND BY DESIGNATING SOLAR ENERGY SYSTEM, MAJOR AS PERMITTED BY SPECIAL USE PERMIT IN A-1 AGRICULTURAL, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, AND PIN PLANNED INDUSTRIAL DISTRICTS.

Mr. Miller recused himself from the public hearing and discussion stating potential conflict of interest and moved from the dais.

Mrs. Hopkins reviewed the previous discussions regarding solar energy systems and presented the proposed amendment. The amendment will define three (3) solar energy systems and distinguish in which districts they are permitted. Solar Energy System, Accessory Use will be permitted in all districts as an accessory to a primary use, shall meet other district regulations such as setbacks; however, size restrictions for habitable accessory structures will not apply based on previous determinations by the zoning administrator. Solar Energy System, Minor Use includes facilities less than 50 % of the parcel size or 3 acres. These systems would be permitted by right in Agricultural (A1), Manufacturing Light (ML), Manufacturing (M1), PUD-Industrial, PUD- Residential, and PUD-Commercial zoning districts. Solar Energy System, Major are facilities greater than 50% of the parcel size or 3 acres and would be allowed by SUP in the Agricultural, Manufacturing Light, Manufacturing and PUD-Industrial zoning districts.

Mr. Kroll opened the public hearing.

William Foster, Falcon Ridge Road, discussed potential issues regarding visibility from public road ways and glare.

There being no additional comments the public hearing was closed.

Mr. Allen stated he recalled the experts at a previous meeting had shared that glare should not occur because solar panels are designed to absorb light not reflect it.

Mr. Kroll stated he felt three (3) acres was too much coverage area for a minor system. He stated he did not want to prohibit solar systems but would like to require a SUP for three (3) acres so potential issues could be addressed. He noted the need to encourage alternative energy while also allowing the opportunity to reduce impacts when larger systems are installed.

Mr. Rice stated a potential solution may be to reduce the percentage and leave the acreage.

Mr. Katz asked if staff had received any citizen inquiries. Staff confirmed they had not heard any comments to date.

On a motion by Mr. Katz, seconded by Mr. Howard and unanimously carried, the Planning Commission recommended approval of the proposed ordinance amendment with the following revisions:

- Revise the definition of Solar Energy System, Minor to limit the minor system to 1 acre maximum
- Revise the definition of Solar Energy System, Major to facilities greater than 1 acre
- Add Solar Energy System, Major as allowed by SUP in the PUD-Commercial and PUD-Residential zoning districts.

Ayes: Kroll, Katz, Disney, Rice, Howard, Allen

Nayes: None  
Abstain: Miller  
Absent: Wolz

Upon return to the dais, Chair Miller indicated that he was in preliminary discussions with a company about a solar installation and therefore wanted to clearly abstain from any discussion during the Public Hearing as well as voting on the amendment.

## **VI. OLD BUSINESS:**

a. Update on Z-2016-02 & Z-2016-03: Proposed changes to the Zoning Ordinance as pertains to the operations of the BZA and SUP reviews of accessory structures

Ms. Gibson stated the amendments were advertised for public hearing in September. Board of Zoning Appeals (BZA) ordinance changes are required due to State Code revision and the County Attorney has drafted the ordinance. Most changes are related to procedures.

The BZA has requested amendments to the SUP requirements for accessory structures. She reviewed an analysis of SUP requests over past 9 years. The two (2) options to address the concerns of the BZA are to allow administrative review or limit accessory structures to the square footage of principal structure. The BZA preferred requiring a SUP for anything over principal structure size.

Mr. Kroll asked if limiting the structure to the foot print of the principle structure would meet the intent of BZA.

Ms. Gibson stated staff had discussed the amendment with the county attorney, and his recommendation was to use square footage. Most localities do not regulate accessory structures in this way. Staff can ask the BZA for confirmation of their intent.

Mr. Kroll stated he would like to hear the opinion of the BZA on using the footprint as a basis.

Mr. Miller stated he was in attendance at the BZA meeting when the recommendation was made and he felt it was the intent to use square footage. There was no discussion related to footprint.

Mr. Katz noted the situation could be worsened if footprint is use. For example a 2400 sq. ft. house may only have an 800 sq. ft. footprint. The garage would be limited to 800 sq. ft. which is more restrictive than the current regulation.

Mr. Rice stated he felt the current regulations are too restrictive; however, the proposed regulations are not restrictive enough.

Mr. Miller asked if the number of allowed accessory structures was limited.

Ms. Hopkins stated there was currently no limit; however, with the proposed ordinance amendment, the area of allowed accessory structure(s) could not exceed the square footage of the dwelling.

Ms. Gibson stated staff will provide an update on the BZA's recommendation at the September public hearing.

## **VII. NEW BUSINESS:**

### **a. Preliminary review of upcoming changes to Zoning Ordinance related to Signs (no attachments)**

Ms. Hopkins stated a recent U.S. Supreme Court decision would require the County to replace its existing language regarding signs. She distributed information of the Courts decision regarding Reed vs. Town of Gilbert. Signs may no longer be regulated based on content. Many signs are categorized as "political", "directional", etc. and that was found to violate the First Amendment. Localities may regulate signs based on size, materials, lighting, fixed/electronic message, and zoning district. The County Attorney and staff are currently drafting a sign ordinance for discussion in September.

## **VIII. LIAISON REPORTS:**

- Board of Supervisors – Supervisor Tuck stated the Board discussed and ranked the Smart Scale projects in the following order: Rte. 114 intersection improvements, Rte. 8/Fairview Church Rd. turn lane improvements, Alleghany Spring Rd./Route 11 Intersection improvements. The Board is still looking at options for partnering with Blacksburg on the North Main/US 460 project and is continuing progress on the former Blacksburg High School property. Board Room improvements were also discussed
- Blacksburg Planning Commission – No report
- Christiansburg Planning Commission – No report
- Economic Development Committee – No report, there was no meeting in July.
- Public Service Authority – Steve Howard advised the PSA discussed water line changes in the Riner area, issues in the area around Elliston Elementary, and decreasing amount of usage due to upgraded lines, energy efficient machines, etc.
- Parks & Recreation – No report
- Radford Planning Commission – Bob Miller stated the Radford Planning Commission was discussing ordinances relating to domestic animals, chickens, etc.
- School Board – Bryan Katz reported the School Board discussed amendments to start times, awards, future expenditures, and whether or not they would relocate meeting rooms due to the motto "In God We Trust" being placed in the Board Room. It was decided they would not relocate at this time.
- Tourism Council – No report

- Planning Director's Report – Mrs. Gibson stated the School Board will be holding a construction meeting next week. She reported that Candace Ross has left the department and Dari Jenkins is out of the office; therefore, staffing is very limited in the office right now. Currently, she is working on reclassifying the Sr. Program Assistant position to a Planning Technician position. That change must be reviewed by the Board. Smart Scale projects will be submitted and staff has begun looking at options for revenue sharing projects for FY 18 applications.

## **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:45pm.

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Chairman

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Secretary